

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**PETER CHARLES,** :  
Plaintiff, :  
: :  
v. : : **CIVIL ACTION NO. 19-CV-4955**  
: :  
**SAXBY'S,** :  
Defendant. :  
:

**ORDER**

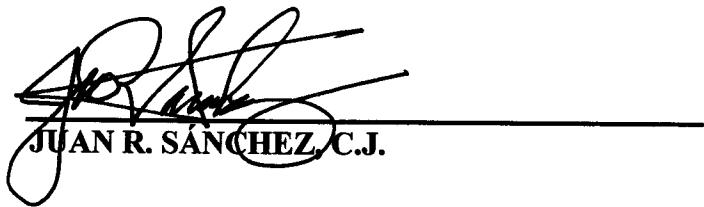
AND NOW, this 6<sup>th</sup> day of November, 2019, upon consideration of Plaintiff Peter Charles Motion to Proceed *In Forma Pauperis* (ECF No. 1) and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. For the reasons stated in the Court's Memorandum, Charles's Complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Fed. R. Civ. P. 12(h)(3) for lack of subject matter jurisdiction.
4. Charles is given thirty (30) days to file an amended complaint in the event he can allege additional facts to state a basis for the Court's exercise of subject matter jurisdiction over his claims. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Charles's claims against each defendant, and shall bear the title "Amended Complaint" and the caption 19-4955. If Charles files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Charles's claims. Claims that are not included in the amended complaint will not be considered part of this case. When drafting his

amended complaint, Charles should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

5. If Charles does not file an amended complaint his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:



JUAN R. SÁNCHEZ, C.J.